

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

Christopher H. Docchio
Debtor(s)

Bankruptcy Case No.: 18-20252-CMB
Issued Per Aug. 9, 2018 Proceeding
Chapter: 13
Docket No.: 34 – 5, 20
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated January 24, 2018 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☒ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$252 as of August 2018. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: City and School District of Pittsburgh earned income tax at Claim No. 5 .
- ☒ H. Additional Terms: The claim of Sewickley Heights Manor Homes Association at Claim No. 6 shall be paid as specially classified unsecured due to house being sold at sheriff sale.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.


Carlota M. Böhm, Judge
United States Bankruptcy Court

Dated: August 13, 2018

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 4 of 5
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 Christopher H. Docchio
 Debtor

Case No. 18-20252-CMB
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: jhel
 Form ID: 149

Page 1 of 2
 Total Noticed: 23

Date Rcvd: Aug 13, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Aug 15, 2018.

db +Christopher H. Docchio, 1100 Liberty Avenue, Apartment 305, Pittsburgh, PA 15222-4241
 cr +City & School District of Pittsburgh, Goehring, Rutter & Boehm,
 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219,
 UNITED STATES 15219-6101
 cr +Sewickley Heights Manor Homes Association, 101 Greenwood Drive, Sewickley, PA 15143-8800
 14763160 +Aleppo Township Authority, 100 North Drive, Suite 2, Sewickley, PA 15143-2383
 14787377 Bank Of America, N.A., PO BOX 31785, Tampa, FL 33631-3785
 14763162 Bank of Ameica, P.O. Box 15026, Wilmington, DE 19850-5026
 14763163 +Citizens Bank, PO Box 789, Providence, RI 02901-0789
 14765321 +Citizens Bank N.A., 1 Citizens Drive Mailstop ROP15B, Riverside, RI 02915-3026
 14788919 +City & School District of Pittsburgh, Goehring, Rutter & Boehm,
 c/o Jeffrey R. Hunt, Esquire, 437 Grant Street, 14th Floor, Frick Building,
 Pittsburgh, PA 15219-6101
 14763164 +Clearview Federal Credit Union, PO Box 96099, Charlotte, NC 28296-0099
 14763165 +Duquesne Light, PO Box 67, Pittsburgh, PA 15267-0067
 14803616 +PNC Bank, N.A., PO Box 94982, Cleveland, OH 44101-4982
 14763170 PNC Visa, P. O. Box 856177, Louisville, KY 40285-6177
 14763166 #+Penn Credit Corp, PO Box 988, Harrisburg, PA 17108-0988
 14763167 +Penn Federal Credit Union, Delinquency Control Center, PO Box 5100,
 Fort Hood, TX 76544-0100
 14763172 +Sewickley Heights Manor Homes Associatio, 101 Greenwood Drive, Sewickley, PA 15143-8800
 14792981 +Sewickley Heights Manor Homes Association, c/o Brandon B. Rothery, Esq.,
 535 Smithfield Street, Suite 1300, Pittsburgh, PA 15222-2300

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14787464 +E-mail/Text: bankruptcy@clearviewfcu.org Aug 14 2018 01:57:05 Clearview FCU,
 8805 University Blvd, Moon Township PA 15108-4212
 14782393 E-mail/Text: mrdiscen@discover.com Aug 14 2018 01:56:29 Discover Bank,
 Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 14798700 +E-mail/Text: kburkley@bernsteinlaw.com Aug 14 2018 01:57:43 Duquesne Light Company,
 c/o Bernstein-Burkley, P.C., 707 Grant St., Suite 2200, Gulf Tower,
 Pittsburgh, PA 15219-1945
 14763168 E-mail/Text: blegal@phfa.org Aug 14 2018 01:57:09 PHFA, P.O. Box 15057,
 Harrisburg, PA 17105-5057
 14814981 +Fax: 301-858-1852 Aug 14 2018 02:30:03 Pentagon FCU, c/o R.A. Rogers, Inc., PO Box 3302,
 Crofton, MD 21114-0302
 14763171 +Fax: 301-858-1852 Aug 14 2018 02:30:03 R.A. Rogers Inc, PO Box 3302,
 Crofton, MD 21114-0302

TOTAL: 6

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

cr Bank Of America, N.A.
 cr* +Duquesne Light Company, c/o Bernstein-Burkley, P.C.,
 707 Grant Street, Suite 2200, Gulf Tower, Pittsburgh, PA 15219-1945
 14763161* +Aleppo Township Authority, 100 North Drive, Suite 2, Sewickley, PA 15143-2383
 14763169* PHFA, P.O. Box 15057, Harrisburg, PA 17105-5057

TOTALS: 1, * 3, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update.
 While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Aug 15, 2018

Signature: /s/Joseph Speetjens

District/off: 0315-2

User: jhel
Form ID: 149

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Total Noticed: 23

Date Rcvd: Aug 13, 2018

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on August 13, 2018 at the address(es) listed below:

Brandon B. Rothery on behalf of Creditor Sewickley Heights Manor Homes Association
bbr@muslaw.com, psm@muslaw.com; rmp@muslaw.com
James Warmbrodt on behalf of Creditor Bank Of America, N.A. bkgroup@kmlawgroup.com
Jeffrey R. Hunt on behalf of Creditor City & School District of Pittsburgh jhunt@grblaw.com,
cnoroski@grblaw.com
Keri P. Ebeck on behalf of Creditor Duquesne Light Company kebeck@bernsteinlaw.com,
DMcKay@bernsteinlaw.com
Lauren M. Lamb on behalf of Debtor Christopher H. Docchio
julie.steidl@steidl-steinberg.com; courtdocs.sands@gmail.com; leslie.nebel@steidl-steinberg.com; dam
brose@steidl-steinberg.com; cgoga@steidl-steinberg.com; lamblr53037@notify.bestcase.com; rlager@stei
dl-steinberg.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com

TOTAL: 7